IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

WEDNESDAY, THE 21ST NOVEMBER 2007 / 30TH KARTHIKA 1929

WP(C).No. 34356 of 2007(M)

PETITIONERS:

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1. SRI.SANTHOSH KUMAR K.,
S/O. GANGADHARAN NAIR, PART-TIME SWEEPER,
AMBALAVAYAL VILLAGE OFFICE (S.BATHERY TALUK),
RESIDING AT KOLAKKUNNATH HOUSE, MALIKA AMBALAVAYAL
POST, WAYANAD DISTRICT, PIN-673 593.

2. SRI. SANKARAN M.E., S/O. ELUKKAN,
PART-TIME SWEEPER, VILLAGE OFFICE, PURAKKADI
(S.BATHERY TALUK), RESIDING AT MANANGUVAYAL HOUSE,
P.O. MEENANGADI, SULTHAN BATHERY TALUK,
WAYANAD DISTRICT, PIN-673 591.

3. SMT. C.K. YESODA, D/O. KRISHNANCHETTY,
PART TIME SWEEPER, MOOPINAD VILLAGE OFFICE,
(VYTHIRI TALUK), RESIDING AT CHELLANGODU HOUSE,
CHELLANGODE P.O., VADUVANCHAL, WAYANAD DISTRICT,
PIN-673 581.

4. SMT. AYSHA K.S., W/O. SHAMSUDHEEN,
PART-TIME SWEEPER,THONMATTUCHAL VILLAGE OFFICER,
(S.BATHERY TALUK), RESIDING AT KOTTOOR HOUSE,
ANDOOR, VADUVANCHAL P.O., WAYANAD DISTRICT,
PIN-673 579.

5. SMT. ELCY, W/O. VARGHESE,
PART-TIME SWEEPER, PADICHIRA VILLAGE OFFICE
(S.BATHERY TALUK), RESIDING AT ALAVENTHAKALAYIL
HOUSE, PADICHIRA P.O., WAYANAD DISTRICT,
PIN-673 579.

6. SMT. KALYANI, W/O. ASHOKAN,
PART TIME SWEEPER, KRISHNAGIRI VILLAGE OFFICE,
(S.BATHERY TALUK), RESIDING AT VYDYARUKANDIYIL
HOUSE, KRISHNAGIRI P.O., WAYANAD DISTRICT,
PIN-673 591.

BY ADV. SRI.K.P.SARVOTHAMAN

RESPONDENTS:
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1. **STATE OF KERALA,**
   REPRESENTED BY SECRETARY TO THE GOVERNMENT,
   REVENUE DEPARTMENT, GOVT.SECRETARIAT,
   THIRUVANANTHAPURAM.

2. **DISTRICT COLLECTOR,**
   WAYANAD, OFFICE OF THE DISTRICT COLLECTOR,
   CIVIL STATION, KALPETTA, WAYANAD DISTRICT.

3. **TAHSILDAR,**
   SULTHAN BATHERY TALUK, WAYANAD DISTRICT.

4. **TAHSILDAR,**
   VYTHIRI TALUK, WAYANAD DISTRICT.

5. **VILLAGE OFFICER,**
   AMBALAVAYAL VILLAGE OFFICE, WAYANAD DISTRICT.

6. **VILLAGE OFFICER,**
   PURAKKADI VILLAGE OFFICE, WAYANAD DISTRICT.

7. **VILLAGE OFFICER,**
   MOOPINAD VILLAGE OFFICE, WAYANAD DISTRICT.

8. **VILLAGE OFFICER,**
   THOMMATTUCHAL VILLAGE OFFICE, WAYANAD DISTRICT.

9. **VILLAGE OFFICER,**
   PADICHIRA VILLAGE OFFICE, WAYANAD DISTRICT.

10. **VILLAGE OFFICER,**
    KRISHNAGIRI VILLAGE OFFICE, WAYANAD DISTRICT.

BY GOVERNMENT PLEADER SRI. BEJOY CHANDRAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 21/11/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

V.GIRI,J.

W.P (C) No. 34356 of 2007

Dated this the 21st November, 2007

J U D G M E N T

The petitioners are Casual Sweepers working in the village offices in Wayanad District. According to them the sweeping area serviced by them is in excess of 100 sq.mt and therefore they are entitled to the benefit of G.O. (MS)501/Fin. Dated 25.11.2005. They refer to Exhibits P2 to P7 Sweeping Area certificates issued by the Assistant Engineer of P.W.D.

2. G.O. (MS)501/Fin. Dated 25.11.2005 stipulates that if the sweeping area serviced by casual sweeper is in excess of 100 sq.mt, the Head of the Department may then forward a proposal for creation of part-time Sweeper, to the Government. The Government shall take a decision thereon in terms of Clause 14 of the said Government Order. The scope of Clause II of G.O. (MS) 501/Fin. Dated 25.11.2005 has been considered by this Court in a recent decision in W.P. (C) No.13828/2007 and connected cases. In my view, the petitioners' case also should be considered in the light of the directions contained in the said judgment.

After having heard the learned counsel for the petitioners and the learned Government Pleader, this writ petition is disposed of in the following terms:

i) The petitioners shall file a representation before the 1st respondent along with a copy of this judgment and copies of the Sweeping

Area Certificates issued in relation to the area serviced by them, within a period of one month from the date of receipt of a copy of this judgment.

ii) If such a representation is filed by the petitioners, the 1st respondent shall consider the same in terms of G.O. (MS)501/Fin. Dated 25.11.2005, and take a decision thereon, after hearing the petitioners, within three months thereafter.

iii) The 1st respondent shall take a decision on the representation keeping in mind the observations and directions in W.P. (C) 13828/2007 and connected cases.

iv) The petitioners shall be entitled to wages in accordance with the directions issued in the said judgment.

v) If petitioners are working as on date, their services shall be retained until a decision is taken by the Government in the manner aforementioned.

(V.GIRI, JUDGE)

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K.THANKAPPAN,J

CRL.A. NO.92 OF 1999

ORDER

25th May, 2007